

KEENAN & DORIS LLC

Thomas A. Keenan †*
Ian C. Doris †

E-Mail: idoris@keenandoris.com
Our File No.: 1001-10

ATTORNEYS AT LAW

71 Union Avenue, Suite 105
Rutherford, New Jersey 07070
Telephone (201) 355-8110
Facsimile (201) 355-8118

Linda M. Mesce ‡‡
Bernadette M. Peslak

† Certified by the Supreme Court of
New Jersey as Civil Trial Attorney
* Also Admitted in DC
‡‡ Also Admitted in NY

August 14, 2013

Honorable Faith S. Hochberg, U.S.D.J.
United States District Court
U.S.P.O. and Courthouse, Room 417
Newark, NJ 07101

RE: *Outen v. State of New Jersey, et als.*
Case No. 2:12-CV-00123-FHS-PS

Dear Judge Hochberg:

We are writing to the Court to respectfully request that Defendants Motions for Summary Judgment previously returnable on June 6, 2013 be decided by the Court prior to the current jury trial set for November 19, 2013 and the pretrial submissions. Both the Bergen County Prosecutor as well as the Bergen County Police Department and its officers filed Summary Judgment with this Court on April 2, 2013 (See Document No. 26 Summary Judgment Motion filed by the Bergen County Police and Officer Mullen). The Summary Judgment Motion was originally returnable May 6, 2013 but was extended to June 6, 2013 by Your Honor. On August 9, 2013 the Court entered the trial management order setting a jury trial for November 19, 2013 with various pre-trial submission dates in September. (See Document No. 45).

Because the public entity Defendants' summary judgment motions have raised immunities, including Qualified Immunity, Defendants respectfully request that this Court decide the Summary Judgment Motions in advance of any of the pre-trial submission due dates. The public entities seek this relief to avoid additional public expense if the Summary Judgment Motions are granted. We are aware that this request would likely require an extension of time for the pre-trial submissions and we seek the Court's indulgence to extend those deadlines should

Honorable Faith S. Hochberg, U.S.D.J.

August 14, 2013

Page 2

they be necessary. The public entity Defendants have already incurred significant litigation costs to not only prepare the Summary Judgment Motions, but also to prepare the pre-trial order, which as the Court knows, is a time consuming and expensive process. The Plaintiff would also greatly benefit from knowing the status of the Summary Judgment Motions before having to undergo the pre-trial submission process.

For the foregoing reasons we respectfully request that all Summary Judgment Motions be decided before any pre-trial submissions are due, and that the trial and pre-trial submission dates be rescheduled as the Court deems appropriate.

Respectfully submitted,
KEENAN & DORIS LLC



Ian C. Doris

ICD/aa

C: John P. Pieroni, Esq.
Linda Harvey, Esq.